

**Town of Foxborough
Conservation Commission Minutes
March 29, 2010**

Members present: Bob Boette (Chairman), Alan Curtis (Vice Chairman), Harold Blomberg, Judi Johnson, Eric Nelson and Jim Marsh

Absent: Doug Davis

Also present: Jane Sears Pierce, Conservation Manager
Bill Hocking, Temporary Conservation Manager

Meeting Opened

Bob Boette opened the meeting, which was held in the Selectmen's Meeting Room in Town Hall, at 7:00 p.m.

Request for Turtle Crossing Signs at Edwards Road

Abbey Davis came to the meeting to ask the Commission to help raise drivers' awareness to avoid turtle casualties. Abbey stated that every spring many turtles and their hatchlings are killed while attempting to cross Edwards Road to lay their eggs. She wants to know how to go about getting a sign posted alerting drivers of this hazard. All permanent street signage has to be approved by the Selectmen. There was discussion of temporary, seasonal signage that would be put up at the start of the season and taken down at the end. Bob will talk to Andy Gala and asked Abbey to investigate possible downloadable signs that could be used.

DEP #157-434 – Certificate of Compliance - 67 Green Street

Motion by Harold Blomberg to issue a Certificate of Compliance for 67 Green Street, DEP #157-434. Seconded by Allan Curtis. **Vote: 6:0:0**

DEP #157-476 – Certificate of Compliance - 9 Wilkeson Way

Motion by Harold Blomberg to issue a Certificate of Compliance for 9 Wilkeson Way, DEP #157-476. Seconded by Allan Curtis. **Vote: 6:0:0**

DEP #157-24 – Partial Certificate of Compliance - 32 (Lot 60) Edwards Road

Motion by Harold Blomberg to issue a Certificate of Compliance for 32 Edwards Road (Lot 60) only, DEP #157-24. Seconded by Allan Curtis. **Vote: 6:0:0**

March 8, 2010 Minutes

Motion was made by made by Harold Blomberg to accept the March 8, 2010 minutes as distributed. Seconded by Allan Curtis. **Vote: 6:0:0**

NRRC – Neponset Reserve Dam

Kim Mellen, Sheila Warner and Rhys Bowen from NRRC were present to discuss board removal and recreational boating guidelines. The NRRC asked to have a discussion with the Commission about managing the Neponset Reservoir Dam's board placement and removal plan. They are concerned because a lot of money, time and effort has been put into the Reservoir's weed treatment and they want to be sure that the water level is kept at its full potential to cut down on nuisance aquatic weed growth. They are eager to see all boards in place as soon as possible so that water level does not drop below the top board. Evaporation has a large effect on the reservoir's level during the heat of the summer, which causes algal blooms. All were surprised at how quickly the Reservoir filled up during the recent rain event. Bob Boette commented that this was the wettest March in

recent history and told the group that the Commission would monitor the water level very closely. Mr. Bowen inquired as to who was currently pulling the boards and wanted to know if it would eventually be the Commission. Bob explained that the Neponset Reservoir Company is currently performing this function, but the Commission will eventually take over this responsibility.

Judi Johnson told the group that the Commission was on the same page, regarding maintaining the water level. Now that the dam is not leaking, it needs to be observed closer to learn how storms such as the recent storm will affect the Reservoir. Once it looks like there will be a clear stretch of weather, the Commission will put the board back.

Bill Hocking stated that the boards should come out after Labor Day Weekend to start the draw down which will have a flushing effect, and will then put the boards in October. Bob Boette reiterated that the water level will be monitored very carefully and once everything has stabilized, the last board will be replaced.

Discussion shifted to recreational boating. Bob Boette expressed his concern about the size of boats on the Reservoir, which had the potential for stirring up heavy metals in the Reservoir's bottom sediment. He would like to see a size restriction on the motors allowed, as well as speed limits, but does not know how they would be enforced. He asked the group if they would be willing to create a policy concerning boat sizes and speeds.

Allan Curtis wondered if this matter could be put to vote during Town Meeting. Bill Hocking opined that the Town would need to make the arrangements, but that other towns have done it. NRRC could help with the negotiations. Judi Johnson stated that a united effort between groups would be needed to accomplish this, but would first need to figure out what steps would be needed.

Proposed Eagle Scout Project – Mike Small.

Mike Small, a Foxborough resident working on his Eagle Rank, came before the Commission to give a brief overview of his proposed Eagle Scout project at Kersey Point. Before developing an elaborate written plan, he wanted to determine whether the Commission was interested in having this work done.

His proposed plan included replacing the site's fence and posts, cleaning up trash, removing debris and plywood from the water, clearing the road's storm drain grate, cleaning up leaves and cutting back overgrown shrubs. The Commission welcomed having this work done and encouraged Mike to write his proposal. Mike wanted to start his project in July, but before that could happen, he would require the Boy Scouts Counsel's approval of his plan. Bob Boette suggested that Mike send Jane a draft of his proposed plan, so that she could give him her feedback.

Request for ORAD Extension, 191 Cocasset Street

Bill Buckley, Old Colony Group, representing applicant Foxborough Land Partners was present to discuss his request for an extension to the Order of Resource Area Delineation (ORAD) for 191 Cocasset Street, which issued in 2007. At the time of the filing, an extensive delineation review was performed by the Commission. The delineation will expire this summer.

Jane asked Bill to review the site's resource areas. Bill explained that the property had been an old septic dumping site, with lagoons at the center. A 21E site, it was contaminated with Dioxins and had several "hot spots" in some of the wetlands; the EPA is involved with its cleanup. The worst areas have already been cleaned up (capped and fenced off). Bill indicated that this was not his area of expertise, but if the Commission wanted more information, he would bring in his expert to explain it more intelligently. There are potential vernal pools on the site.

Jane suggested modifying the Order with new information if the ILSF/vernal pools were higher than the time of the original filing, due to recent storm events.

Bill Buckley explained that the property owner was trying to sell lots on Belcher Road to fund additional clean up work. Phase 1 of the cleanup is complete; they are finishing Phase 2 and will soon be moving on to Phase 3. In 2008, a preliminary plan was filed with the Planning Board, including a roadway through the site. There was discussion about how to avoid the wetlands and reroute the road, but the economy died and the project stopped. Bill will send a diagram of hot spots to Jane before she and Judi visit the site. Discussion will continue at the April 5 meeting.

Flooding Issues at Bleachery Pond, Morse Street

Bob LeHare (Wood Forms, 131 Morse Street) had called Jane about the flooding at the Bleachery (aka Glue Factory) Pond. Bill visited the site; excerpts of his 3/16/10 report are included below:

Bill Hocking: I visited the Bleachery Pond on 3-15-10 and 3-16-10 to observe the flooding of the Rumford River as it flowed through the Bleachery area. On both days, the water was running across the end of the parking lot next to Morse Street and then across Morse Street as the road crosses the center of the ponds. The water on 3-15 was 4" deep as it crossed the road and the parking lot. By 3-16 in the afternoon it had receded to about 2" deep, but was still flowing in a broad area.

I visited Robert LeHare (Wood Forms) who had called the Highway Department about the water coming into his basement shop, due to high water in the Bleachery Pond. Because of the hydraulic pressure in the soil between the building and the front of the dam, about 40 feet away, he had to pump continually to keep the basement dry. He has built an extensive French drain system on the side of the basement facing the dam to collect the water; it works well but must be monitored. In some places, the foundation is actually spouting water.

I visited Summit Casting, located in front of the grated outlet, and they said they were having no problems. A DPW employee had come down this morning and cleaned the grate in front of the dam as it had material restricting the flow. The collapsed walkway next to the stop logs has not increased in size and still remains to be repaired. The roadway between the ponds is breaking up, due to the flooding.

Bill's Suggestions:

1. To reduce the potential for flooding of the Bleachery parking lots and Morse Street, a regular program should be done by the DPW to clean the grate in front of Summit casting, the outlet/inlet pipe between the right and left ponds and the spillway located across the street.
2. The pipe size between the two ponds should be studied to see if it is sized correctly.
3. The spillway should also be studied to see if it is sized correctly.
4. The pipe under Morse Street at the town line should be studied to see if it is sized correctly.
5. The grate in front of the dam at Summit Casting should be studied to see if there is a better system that won't clog as easily or that will alert someone that cleaning is needed.

Bill spoke to Bob Swanson at the Highway Department and will speak to him again once the area dries out. Bill stated that taking out boards in the dam is not the solution and that an engineer must look at the problem. The responsibility for correction action lies with the Highway Department.

Open Space Plan

Jane reported that she is not able to work on the Open Space Plan as much as she would like, given her current workload and 19 hour workweek. Bill suggested that she should enlist the assistance of the members in this effort and she agreed. Judi and Eric have expressed their interest in working on the plan with Jane. Hampering the process is the Town's outdated GIS mapping system; Randy Scollins is reluctant at this time to invest in a new GIS system.

After discussion, it was decided to proceed with the written portion of the Plan and deal with the maps later. Jane will send the entire plan, as it now stands, to Judi and Eric. Bill suggested that

other members should look at the whole thing for clarity and make sure that it's the "real story." Jane will work to keep it as simple as possible and would prefer it to be shorter and easier to read.

Expired Orders of Conditions

Jane asked the Commissioners for their opinions regarding expired OoCs; i.e., could/should they be extended. After discussion, it was agreed that expired State Orders would need to be re-filed, but expired Bylaw Orders could be extended.

Lakeview Road Concerns

The Commission is in receipt of an anonymous letter from a resident, who lives in the Lakeview Road area, concerning a structure which has been built on conservation land near the Warner Trail. Bill reported that it was framed like a log cabin and is a solid structure consisting of chain link fencing, heavy posts and heavy rubberized material, which would create a significant demolition and removal project.

Nearby residents called the police and a police report has been generated. A resident spoke to the police and gave them the name of another resident who is suspected of building the structure. Bob Boette will talk to Chief O'Leary about this matter.

Update: YMCA's Proposed Community Gardens

Bob had a discussion with Eddie Lawton about the possibility of having a community garden on the Lane property. Eddie indicated that he would give the matter consideration and get back to Bob.

Nadia Estates, Morris Street, DEP Site Visit

The DEP visited the site for the appeal of the Commission's recently issued ORAD. Gary Makuch (DEP) and another DEP representative, as well as Jim Pavlik and Seth Dufort (OutBack Engineering), Bob Gray, Bob Boette, Bill Hocking, Jane Pierce, Judy Leahy, and several abutters were present. The vernal pool was very high; it had flooded all the way to the street. In addition, some very cold wood frogs were calling from the certified vernal pool, and also from the western wetland area. When Jane heard them calling from the western wetland, she told the applicants' representatives that she would be certifying the wetland as a vernal pool and heard no objections.

In the end, Gary indicated that the disputed BVW line looked okay, saying that Seth had done a good job and that his line should be approved. He said that the ILSF would need to be resurveyed, using the highest observed level of flooding. When discussing the vernal pool, Gary stated that the DEP considers these to be critical areas.

Jane asked Gary about the use of soils vs. vegetation for delineating wetlands, since only one soil log was received with the site's ANRAD. He said that per the DEP Regulations, the issuing authority (Commission) can use vegetation only, if they believe it will be sufficient to determine the wetland boundary. Gary said that if anyone had any questions, they could call him, adding that 5:30 to 6:30 were the best times to reach him.

Jane told the Commission that Marc Resnick, Town Planner, had asked her about the vernal pool and wetland boundaries. After discussing the site's delineation with him, he asked Jane to write a brief memo to the ZBA, explaining the following:

- Wetland lines approved during ANRAD process
- Appeal/DEP site visit results
- Areas not approved by ORAD (vernal pool), and what that means.

10 Fairbanks Road Lease

Judy informed the Commission that the March rent is late and the tenant reports that it will be paid on April 1; the April rent will be paid on April 15. The Commission asked Judy to draft a letter to the tenants, informing them that they must keep to their verbal commitments for the March and April rent payments. In addition, if the remaining (lease's) rental payments are not paid on time (for May, June and July), their lease agreement will not be renewed on August 1, 2010.

Friends of Camp St. Augustine

Maria Kent, who is affiliated with the Friends of Camp St. Augustine, attended the meeting to discuss how her group and the Commission could share wildlife information. She will email Jane to request the information that was discussed.

Motion by Eric Nelson was made to adjourn the meeting at 9:50 p.m. Seconded by Jim Marsh.

Vote: 6:0:0

Meeting adjourned at 9:50 p.m.

Draft minutes submitted by: Judy Leahy on 4/12/10

Approved by Commission: 5/3/10